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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,657	06/09/1999	YURI BREITBART	BREITBART3-1	7109

7590   11/27/2001

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EXAMINER
NAJJAR, SALEH

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/328,657	BREITBART ET AL.
	Examiner	Art Unit
	Saleh Najjar	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 June 1999_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-226_ is/are rejected.

7)☒ Claim(s) _27-32_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _3_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

1.   This action is responsive to the application filed on June 9, 1999. Claims 1-32 are pending. Claims 1-32 represent method and apparatus for managing address translations for replicated files in a network .

2.   The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claim 10 recites the limitation "the server selection program" in line 9. There is insufficient antecedent basis for this limitation in the claim.

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6.   Claims 1-16, and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Osaku et al., U.S. Patent No. 6,061,738.

    Osaku teaches the invention as claimed including a method and system for accessing information on a network using message aliasing functions having shadow call back functions (see abstract).

    As to claim 1, Osaku teaches a method of communication between a client computer and a server computer connected to the client computer by a communications network, the method comprising the steps of:

(a) selecting, at the client, a logical point of access to a file, the logical point of access being associated with a logical reference uniquely identifying the file independently of an electronic address at which the file is located (see fig. 1; col. 5, lines 10-35 Osaku teaches converting a logical reference to a physical address);

(b) identifying, at the client, an electronic address corresponding to the logical reference (see col. 5, Osaku teaches that the URL address represented by the serial number is identified and returned to client); and

(c) receiving, at the client, the file identified by the logical reference (see col. 5, lines 25-30).

As to claim 2, Osaku teaches the method of claim 1, wherein the identifying step is performed at the client by reference to a list of physical references at the client, the list of physical references listing at least one electronic address for each logical reference (see fig. 1; col. 5).

As to claim 3, Osaku teaches the method of claim 2 above, wherein the identifying step is performed at the client by a program for selecting a server and the method further comprises the step of:

(d) receiving at the client the program for selecting a server (see col. 7-8, Osaku teaches that a program is received at the client for translating references to physical addresses).

As to claim 4, Osaku teaches the method of claim 3 above, further comprising the step of:

(e) receiving at the client a parent file containing the logical point of access; wherein step (d) is performed during step (e) ; and step (e) is performed before step (a) (see col. 10, lines 25-35, Osaku teaches that a hatch application is downloaded to client before hand).

As to claim 5, Osaku teaches the method of claim 4 above, wherein the list of physical references is appended to the parent file (see col. 10).

As to claim 6, Osaku teaches the method of claim 5 above, wherein the server

modifies the parent file to include the list of physical references before transmitting the parent file to the client (see col. 12).

As to claim 7, Osaku teaches the method of claim 6 above, wherein the server transmits the program for selecting a server to the client (see col. 12-13).

As to claim 8, Osaku teaches the method of claim 7 above, wherein the server modifies the parent file to include the server selection program (see col. 14, Osaku teaches that the hatch process program is modified prior to downloading to client).

As to claim 9, Osaku teaches the method of claim 8 above, wherein the server computer modifies the parent file to include a reference to the server selection program before transmitting the parent file to the client (see col. 13-14; col. 20).

Claims 10-16, and 22-26 do not teach or define any new limitations above claims 1-9 and therefore are rejected for similar reasons.

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osaku et al..

Osaku teaches the invention substantially as claimed including a method and system for accessing information on a network using message aliasing functions having shadow call back functions (see abstract).

As to claims 17-18, Osaku teaches the system of claim 16 above.

Osaku fails to teach the claimed limitation of selecting a server which is most likely to provide a fastest response time or selects an alternate server which is most likely to provide a next-fastest response time, if the first selected server fails to begin

transmission of the requested file to the client within a predetermined amount of time.

Official Notice is taken that the concept and advantages of selecting a server with the fastest response time is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Osaku by including the functionality of selecting the server with the fastest response time to alleviate server loads in the network.

As to claim 19, Osaku teaches the system of claim 18 above.

Osaku fails to teach the claimed limitation wherein the program for selecting a server is comprises an instructional applet written in the Java programming language.

Official Notice is taken that the concept and advantages of employing Java

applets to use as downloaded programs to function on client platforms is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Osaku by including a Java applet to perform the functions of the hatch application. One would be motivated to do so to allow download and execution of the application across different client platforms.

As to claim 20, Osaku teaches the system of claim 19 above.

Osaku fails to teach object signing technology to open connections to various servers and to save its state on a storage device on the client.

Official Notice is taken that the concept and advantages of using object signing technology is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Osaku by implementing object signing technology to provide for secure communication of alias addresses.

As to claim 21, Osaku teaches the system of claim 20 above.

Osaku fails to teach the limitation wherein the server selection program determines a server's expected response time on the basis of the server's times for response to past requests from the server selection program.

Official Notice is taken that the concept and advantages of selecting a fast response time server based on past performance is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Osaku by implementing server selection based on past performance. One wold be motivated to do so to implement even balancing of requests among servers.

9.   Claims 27-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-      Universal electronic resource denotation, request and delivery by Edelstein et al., U.S. Patent No. 6,101,537.

-      Network navigation method for printed articles by Reber et al., U.S. Patent No. 6,138,151.

-      Translating logical addresses of Internet documents to physical addresses by Smyk, U.S. Patent No. 5,751,961.

-      Access to electronic information through machine readable codes by Durst et al., U.S. Patent No. 6,108,656.

11. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Saleh Najjar whose telephone number is (703)

308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to

3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, AN MENG AI, can be reached on (703) 305-9678. The fax phone number

for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group receptionist whose telephone number is

(703) 305-9600. The fax number for the After-Final correspondence/amendment is

(703) 746-7238. The fax number for official correspondence/amendment is (703) 746-

7239. The fax number for Non-official draft correspondence/amendment is (703) 746-

7240.

Saleh Najjar

Examiner Art Unit 2154